

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America

v.

Destiney K. Wilkerson

Case No.

19 mj 1756

Defendant(s)

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

JUN 24 2019

MITCHELL R. ELFERS
CLERK

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 1, 2018 in the county of Rio Arriba in the
District of New Mexico, the defendant(s) violated:

Code Section

Offense Description

21 U.S.C. § 841(a)(1), (b)(1)(B)

Possession with the Intent to Distribute 5 Grams and More of
Methamphetamine;

18 U.S.C. § 922(g)

Felon in Possession of a Firearm;

18 U.S.C. § 924(c)

Possession of a Firearm in Furtherance of a Drug Trafficking Crime; and

18 U.S.C § 924(k)

Possession of a Firearm with an Obliterated Serial Number.

This criminal complaint is based on these facts:
contained in the attached affidavit.☒ Continued on the attached sheet.

Complainant's signature

Kyle Marcum, FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: June 24, 2019

Judge's signature

City and state: Albuquerque, New Mexico

Jerry H. Ritter, United States Magistrate Judge

Printed name and title

AFFIDAVIT

I, Kyle Marcum, Special Agent of the Federal Bureau of Investigation (FBI), United States Department of Justice, having been duly sworn, state:

Introduction

1. I am a Special Agent ("SA") of the FBI, and have been since January 2017. I am currently assigned to the Albuquerque Division, Santa Fe Resident Agency. During my employment with FBI, I have conducted numerous investigations for suspected violations of federal law, including participation in other narcotics investigations. I have received training in how to conduct complex investigations and I have participated in the execution of arrest and search warrants involving narcotics violations in the past.

2. The information set forth in this affidavit was derived from my own investigation and/or communicated to me by other employees of the FBI, members of New Mexico State Police ("NMSP"), other law enforcement agencies, and from records and documents that I, and others, have reviewed. Since this affidavit is being submitted for the limited purpose of securing an arrest warrant on a complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to demonstrate probable cause for the issuance of the requested arrest warrant.

Probable Cause

3. On November 1, 2018, the Honorable Jerry H. Ritter, United States Magistrate Judge, issued a federal search warrant for a recreational vehicle (RV) in which Destiny Wilkerson and her boyfriend lived. The search warrant authorized agents to search for drugs and other drug trafficking-related evidence. The trailer was located at Vis Del Vella Road, in

Rio Arriba County, New Mexico.

4. On November 1, 2018, agents executed the search warrant on the residence. During the execution of the search warrant officers from the New Mexico State Police (NMSP) observed Wilkerson driving a silver 2008 Nissan Altima, bearing New Mexico license plate AGBG96, away from the location that was the subject of the search warrant. The license plate AGBG96 was searched in the New Mexico Motor Vehicle Department database and was registered to Jonathan Cordova, a known associate of Wilkerson. Officers from the NMSP initiated a traffic stop on Wilkerson as they knew that she had an outstanding warrant for parole violation at that time. There were three other occupants in the car when the vehicle was stopped. The traffic stop occurred in Rio Arriba County in the District of New Mexico.

5. Officers placed Wilkerson under arrest on the outstanding warrant and she was searched incident to her arrest. On her person the following the items were found by officers of the NMSP:

- a. A white baggie containing a crystal like substance that weighed approximately 21.5 gross grams including packaging. The substance was submitted to the Drug Enforcement Administration's South Central Laboratory which concluded the net weight of the substance was 13.826 grams, the substance was methamphetamine, the methamphetamine purity was 94% (+/- 4%) and that the amount of pure methamphetamine was 12.996 grams.
- b. A .32 caliber handgun concealed in her bra with one round loaded into the chamber.

6. Following Wilkerson's arrest, I interviewed her on November 1, 2018. Wilkerson

admitted to possessing the firearm on her person and stated that a friend had given her the gun. Wilkerson admitted to having an "8 ball" in her bra while arrested. Wilkerson also admitted to selling and using methamphetamine and to previously buying up to a half of pound of methamphetamine. During the course of the interview Wilkerson also stated that she owned a "Yukon Denali".

7. During the course of Wilkerson's arrest on November 1, 2018 the silver 2008 Nissan Altima she was driving was seized by the Rio Arriba Sheriff's Office. The doors were sealed with evidence tape and the vehicle was transported to the secure storage lot of the Rio Arriba County Sheriff's Office located at 1122 Industrial Park Road, Espanola, New Mexico, 87532.

8. On November 13, 2018 a vehicle inventory was completed of the Nissan Altima by myself and agents from Region 3. The evidence tape placed on the door was still intact and the vehicle remained in the secured storage lot since it had been seized on November 1, 2018. The following items were discovered in the 2008 Nissan Altima during the vehicle inventory:

- a. A temporary driver's license from the State of New Mexico belonging to Destiney Wilkerson found inside a hip-pack that was on the floor of the front passenger area;
- b. A digital scale with suspected drug residue on it found inside the same hip-pack;
- c. A clear plastic baggie containing a clear crystal substance with another clear plastic baggie inside of it with a seizure weight of 24.5 grams and found inside the same hip-pack. The substance was submitted to the Drug Enforcement Administration's South Central Laboratory which concluded the net weight of the substance was 20.275 grams, the substance was methamphetamine, the

methamphetamine purity was 100% (+/- 4%) and that the amount of pure methamphetamine was 20.275 grams.

9. Based on my training and experience, the amount of drugs recovered from the Nissan Altima and from Wilkerson's person is consistent with a distribution quantity instead of personal use. This is corroborated by the digital scale with drug residue also located in the vehicle, which is commonly used to weigh drugs before distribution.


10. During the execution of the search warrant on November 1, 2018, a white 2002 GMC Yukon with New Mexico license plate number 258-SYJ was parked near the RV that was the subject of the search warrant. Open source information indicated the vehicle was registered to Wilkerson and law enforcement officers from Region 3 also knew the vehicle to belong to Wilkerson. The GMC Yukon was seized and the doors were sealed with evidence tape. The vehicle was transported to the secure storage lot of the New Mexico State Police District 7 office located at 1410 North Paseo De Oñate, Espanola, New Mexico, 87532. An inventory search of the 2002 GMC Yukon was conducted on November 13, 2018 by myself and agents from Region 3. The evidence tape placed on the door was still intact and the vehicle remained in the secured storage lot since it had been seized on November 1, 2018. During the course of the vehicle inventory a .22 caliber rifle was discovered in the back of the GMC Yukon. The rifle's serial number had been obliterated and the butt stock had been sawed off.

11. Based on the information set forth in this affidavit, I submit that there is probable cause to believe that Destiney Wilkerson did unlawfully commit the following felony offenses:

- a. 21 U.S.C. § 841(a)(1), (b)(1)(B), Possession with the Intent to Distribute 5 Grams and More of Methamphetamine;

- b. 18 U.S.C. § 922(g), Felon in Possession of a Firearm;
- c. 18 U.S.C. § 924(c), Possession of a Firearm in Furtherance of a Drug Trafficking Crime; and
- d. 18 U.S.C § 924(k) Possession of a Firearm with an Obliterated Serial Number.

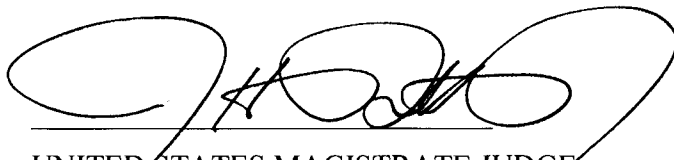
I swear that this information is true and correct to the best of my knowledge.


KYLE MARCUM

Special Agent

Federal Bureau of Investigation

Subscribed and sworn to before me this 24th day of June, 2019.


UNITED STATES MAGISTRATE JUDGE

Albuquerque, New Mexico